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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 2578 OF 2003

BETWEEN

Savita Sharma Wife of Shri Narendra Kumar Sharma, aged about 38 years, working as Woman Health Worker, posted at Primary Health Centre Kondagaon - Kibaee Balenga, District Bastar (CG).

PETITIONER

A N D

1. The State of Chhattisgarh, Through the Secretary Department of Family Health and Welfare Department, D.K.S.Building, Raipur, Tehsil and District Raipur (CG).

2. The Chief Medical and Health Officer, Bastar District Jagdalpur (CG).

3. Block Medical Officer, Primary Health Centre, Kondagaon District Bastar (CG).

4. Block Medical Officer, Primary Health Centre, Maakadi District Bastar (CG).

5. Smt. Archna Mishra, Mahila Swasthya Karyakarta, Lubha , Maakadi, District Bastar (CG).

P.R. No. 2422/03
Presented by Shri Bankey Lal Bastar
dated 18.6.03

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RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2578 of 2003

Petitioner: Savita Sharma

Versus

Respondents: The State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Rajendra Tripathi, Advocate for the petitioner.

Shri Pankaj Shrivastava, Panel lawyer for the Respondents No.1 to 4.

None for respondent No. 5.

ORAL ORDER

(8th February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner, who was working on the post of Woman Health Worker at Primary Health Centre Kondagaon, District- Baster was transferred vide order dated 2.8.2003 (Annexure P/1) to Lubha (Primary Health Centre Makdi) on the ground of mutual consent between the petitioner and the Respondent No.5. Earlier the petitioner had made an application for mutual transfer but later on vide letter dated 19.6.2000 (Annexure P/2), addressed to the Respondent No.2, she withdrew the mutual consent. Learned counsel for the petitioner submits that without looking in to the subsequent letter dated 19.6.2000, after a lapse of more than three years, the impugned order has been passed on 2.8.2003.

2. Learned counsel appearing for the respondents No. 1 to 4 is not in a position to explain as to why the impugned order was passed on the basis of the mutual consent between the petitioner and

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respondent No.5, when the application for mutual consent was withdrawn way back on 19.6.2000 by the petitioner. The petitioner has challenged the impugned order dated 2.8.2003.

3. This Court by order dated 1.9.2003 stayed the operation of the transfer order, till the next date of hearing. This order was never modified nor varied, later on. Accordingly, the petitioner has continued on the same place of posting, till date.

4. Having heard learned counsel for the parties and having perused the records, I am of the view that the impugned order was passed without any basis, on the mutual consent made earlier, which had already been withdrawn vide letter dated 19.6.2000. Be that as it may, the petitioner has stayed at the old place of posting by virtue of the stay order passed by this Court. The impugned order, passed on the basis of the mutual consent, which was withdrawn later on by the petitioner, is not sustainable and deserves to be quashed.

5. In view of the fore going, the petition stands allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur